



Purpose: For Decision

## Committee report

Committee	<b>CABINET</b>
Date	<b>TUESDAY, 8 OCTOBER 2013</b>
Title	<b>HARBOUR AUTHORITY ACTIVITIES ANNUAL REPORT</b>
Report of	<b>CABINET MEMBER FOR RESOURCES</b>

---

### EXECUTIVE SUMMARY

1. Harbour legislation requires the production of a Report comprising the annual statement of accounts and a report on the state of affairs arising from the accounts. This report will detail the key activities of the ports and harbours for which the council is a statutory harbour authority. Appendices A and B are the 2012/13 reports for Newport Harbour and Ventnor Haven respectively which, subject to approval, will be submitted to the Department for Transport (DfT).

### INTRODUCTION

2. The council is the statutory harbour authority for Newport Harbour and Ventnor Haven. The council produces annual accounts and has previously included the activity of both harbours within these accounts. It has now been established that separate accounts must be prepared and approved by the council for each harbour for which it is the statutory harbour authority. The council owns a small Marina at Ryde, however this is not a Statutory Harbour and does not, therefore, require a separate account.
3. This report recommends approval of the 2012/13 annual report and accounts for both Newport Harbour (Appendix A) and Ventnor Haven (Appendix B). If approved, the accompanying reports will be submitted to the Department for Transport.

### BACKGROUND

4. Statutory powers for Newport Harbour were first conferred on the Council's predecessor, the Mayor, Aldermen and Burgesses of the Borough of Newport in 1852 by the River Medina Navigation Act 1852 (followed by subsequent legislation). Newport Borough was succeeded by Medina Borough Council, which in turn was succeeded by the Isle of Wight Council.

5. Statutory powers for Ventnor Harbour were first conferred on the Council's predecessor South Wight Borough Council in 1994 by the Ventnor Harbour Revision Order 1994. South Wight Borough Council was succeeded by the Isle of Wight Council.
6. The Department for Transport has also confirmed that there is a third harbour for which the council is a statutory harbour authority. However, investigation has shown that this relates to a Pier at Ryde which was demolished in the 1920s and therefore, whilst technically the council remains the harbour authority for this Pier, as the Pier in question no longer exists and nothing has replaced it, there is nothing upon which to report either in terms of income, expenditure or governance, nor has there been for at least the last 80 years.
7. The council also leases a small landing stage at Cowes known as Whitegates Pontoon, from the Crown Estate. The council simply manages the pontoon and is not a statutory harbour authority in relation to it.
8. It is necessary for the Cabinet to consider the accounts as it is responsible for the duties of the Harbour Authority on behalf of the council.

#### STRATEGIC CONTEXT

9. Ensuring that the two facilities are managed effectively will contribute to the Council's corporate priority of *Regeneration and the Economy*.

#### CONSULTATION

10. This report has not been subject to consultation as it is a summary report of activity by the service area. The finances of the harbours continue to be reported within the council's broader accounts as a matter of course.
11. The Accounts and Audit (England) Regulations 2011 require the council's accounts and accounting records to be available for inspection by members of the public for a period of 20 working days. This year the accounts and supporting records were open for inspection from 24 July to 18 August 2013. The regulations also require local government electors to be notified that the audited statement of accounts is available for inspection as soon as reasonably possible after the audit has been completed. To the extent that the council's harbour undertakings form part of the services provided to local residents, the financial records supporting the harbour accounts will continue to form part of the consultation process outlined above.

#### FINANCIAL / BUDGET IMPLICATIONS

12. The accompanying reports detail the accounts of Newport Harbour and Ventnor Haven.

## CARBON EMISSIONS

13. There are no impacts on carbon emissions arising from this report.

## LEGAL IMPLICATIONS

14. The 1898 Medina River Navigation Order (s.6(1)) requires the accounts of the harbour to be sent to the Board of Trade, now the Department for Transport. This same requirement is also contained in s.42 of the 1964 Harbour Act (as amended). For the previous three years, the council has submitted its accounts which have incorporated the harbour accounts
15. It is now clear that where the council is a statutory harbour authority, which it is in relation to two harbours, that in each case accounts must be produced separately and sent to the Department for Transport.

## EQUALITY AND DIVERSITY

16. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. None of the identified groups are likely to be adversely affected by the content of this report.

## PROPERTY IMPLICATIONS

17. There are no direct property implications arising from this report although property activities in the harbours are included in the accompanying reports.
18. The ability of the Council as Harbour Authority to let harbour estate property assets is limited by the 1847 Harbours Docks and Piers Clauses Act, which limits the “disposal” of property to a maximum term of 3 years and which means that any lettings must be for harbour (and marine) related purposes. These constraints are likely to limit investment into and regeneration of the harbour estate.

## OPTIONS

19. The following options are available
  1. Option A – That the annual report and accounts as set out in appendices 1 and 2 are approved and submitted to the DfT.
  2. Option B – That issues for further investigation are identified in one or both of the reports and that amended report(s) be assembled for approval.

## RISK MANAGEMENT

20. As set out above, the Council is required to produce an annual statement of accounts relating to the harbour activities listing activities and financial accounts. By not approving

the annual reports and refusing submission to the Department for Transport the Council will be in breach of its statutory requirements and risks censure from the DfT

#### RECOMMENDATION

21. The following option is recommended to be adopted:

Option A – That the annual report and accounts as set out in appendices 1 and 2 are approved and submitted to the DfT

#### APPENDICES ATTACHED

[Appendix A](#) - Isle of Wight Newport Harbour Annual Report and Accounts 31 March 2013.

[Appendix B](#) - Isle of Wight Ventnor Haven Annual Report and Accounts 31 March 2013

Contact Point – Alex Minns, Strategic Manager Leisure Recreation and Public Spaces tel 01983 821000 ext 8713 e-mail [alex.minns@iow.gov.uk](mailto:alex.minns@iow.gov.uk)

STUART LOVE

*Strategic Director  
The Economy and Environment*

COUNCILLOR SHIRLEY SMART

*Cabinet Member  
Tourism and the Economy*